

**SPECIAL MEETING: 6:30 P.M.**

**CLOSED SESSION**

A. Conference with Legal Counsel, Anticipated Litigation, pursuant to Government Code Section 54956.9:

1. One case

Attended by Councilmembers Warden, Hahn, Wright, Rianda, Cook, Interim City Manager Lewcock, and City Attorney Savaree. City Clerk Kern was excused from attending.

**Adjournment** at this time, being 7:15 P.M. this Closed Session was adjourned.

Kathy Kern

Belmont City Clerk

**STUDY SESSION**

**Discussion and direction on the Fox Community Playground.**

Parks and Recreation Director Mittelstadt summarized the actions that had been taken regarding the Fox playground. He reported that the Council had directed staff in April to make an offer to the School District that was outside the original 1999 agreement. He said the offer was for \$20,000 for a young children's playground that would be accessible during non-school hours. He reported that in August the School District and a sub-committee of Councilmembers met at a 2x2 meeting where the School District brought forth a proposal to construct a playground on the Fox school site and have the City contribute \$40,000 and the District contribute \$20,000.

In response to C. Cook, Parks and Recreation Director Mittelstadt stated that \$20,000 had been spent on a recently completed playground at Cipriani Park. He said the structure that was being proposed by the School District was a larger structure.

C. Hahn stated that it was her understanding that there were two options: 1). develop a park within the land in the Agreement, City had the right to the property for thirty-five years, and use during school hours; or, 2). do nothing, if both parties agreed.

Attorney Orton stated that it was his understanding that this site would be more difficult to develop than first thought and it presented conflicts with traffic circulation. He explained that these concerns were raised after the agreement had been entered into.

In response to C. Hahn, Attorney Orton stated that if the site was inappropriate, nothing had to be done. He said that when this complaint was filed one of the issues that was raised, which was a policy issue, was that the City

was deficient in park space and the City would be losing a tot lot. From a policy standpoint, the question was how to provide park space. Attorney Orton explained that in eighteen months the Master Agreement for the maintenance of play fields would expire and another policy decision must be made to negotiate with the School District. From a legal standpoint if the parties agree it was not feasible or desirable to develop the tot lot as contemplated, there is no obligation of the City to proceed with the Settlement Agreement.

Mayor Cook clarified that the issues before the Council were two parts: 1). Did Council want to make a contribution to the School District to develop a play structure at the alternate site on the school district property with the understanding that it would be available after school and weekends; and, 2). If so, how much would be appropriate.

C.Wright requested clarification regarding the various costs in the alternatives offered by the School District.

Parks and Recreation Director Mittelstadt stated that if the grading costs were removed from the project, the current play structure proposal of \$60,000, was close to Alternative C - \$79,000, proposed by the School District in January.

C.Rianda stated she would like to handle the issues separately and requested that the issue of the Court settlement be decided first. She stated that if all parties agree that the site was not appropriate then that would end the law suit.

Attorney Orton explained that no further Court action would be necessary.

C.Rianda stated that if the City could not have control of the property for 35 years, or have access during school hours, then she would like to give the School District \$20,000 and let them do whatever they wanted.

C. Cook said there seemed to be consensus to make a monetary contribution to the School District. She would like the funding spent to replace the tot equipment that had been lost in the neighborhood.

C.Rianda stated that Superintendent Campbell had indicated at the 2x2 meeting, that the equipment would be for Kindergarten and above. She said the Parks Department was in the planning stages for a park in the horse ranch neighborhood, so it did not make sense to have two parks so close to each other.

**Ms. Bonnar**, Vice President, Belmont/Redwood Shores Elementary School District, stated that during the course of the various meetings, alternatives were proposed when it was determined that the site would be difficult and costly to build on. She said she was not aware that the District would walk away from the Settlement Agreement. She explained that the Settlement Agreement was feasible, and would cost of about \$60-70,000 for site preparation plus the play structure. She said that at the April meeting, C. Warden indicated that this court agreement was not ideal for either party, because the District would like to have control over their site during the school day. He suggested that the City make a monetary contribution to the District and they would be able to do whatever they wanted with the funds, including putting it in the District general fund and not do anything else. She said they were willing to explore that option further, but felt that an expectation had been created for a play structure. Ms. Bonnar explained that Parks and Recreation Director Mittelstadt made an offer at a Board meeting for a \$20,000 contribution for a play structure. She said the Board did not think this sum would provide a play structure, so they put together a group to come up with a recommendation for an alternative site. The group determined that a Kindergarten - 3<sup>rd</sup> grade play structure was appropriate, at a cost of \$70,000. Ms. Bonnar explained that the District authorized the members of the 2x2 to make an offer of a \$20,000 District contribution with a City contribution of \$40,000, so that this matter could be settled. She said that if this offer was not acceptable, then the District was prepared to live with the Settlement Agreement. Mrs. Bonnar said that expectations had been created and that in the spirit of good faith and cooperation, it was a reasonable to ask the City to contribute 2/3rds of the cost of this play structure.

C.Hahn stated that it was agreed that the City and School District would put together a sub-committee to meet with the neighbors to find out what was appropriate for the site.

**Mr. Keuscher**, Business Manager, Belmont/Redwood Shores School District, said it was part of the Settlement Agreement that the City staff would conduct these meetings.

C. Hahn stated that it was her understanding that the neighbors determined that the only thing appropriate for that site was a bench and landscaping.

Ms.Bonnar stated that it had never been decided that this site was unacceptable and if things could not be worked out, then the District was willing to live with the Settlement Agreement.

In answer to C. Hahn, Ms. Bonnar said she did not think it was a good idea to have the Attorneys work out the settlement.

Mayor Cook stated that she wanted this issue resolved as soon as possible.

A motion was made by C. Cook, and seconded by C. Wright, to make a contribution to the Belmont/Redwood Shores Elementary School District in the amount of \$38,000.

C.Rianda asked if there were any conditions to this contribution.

C.Cook said she was not concerned about the age group, but would amend her motion to add the wording: after school hours and week ends.

**Action:** C.Cook amended her motion, seconded by C. Wright, and approved by show of hands, 4-1 (Hahn, no) to make a contribution to the Belmont/Redwood Shores Elementary School District in the amount of \$38,000, equipment to be used on weekends and after school hours.

City Attorney Savaree stated that because this item was agendized for direction only, she would return at the next meeting with the vehicle to expend the funds.

**Adjournment** at this time being 8:00 P.M., this meeting was adjourned.

Kathy Kern

Belmont City Clerk

Meeting Tape Recorded

Tape No. 473 -a

## **REGULAR MEETING –8:00 P.M.**

### **ROLL CALL**

COUNCILMEMBERS PRESENT: Warden, Hahn, Wright, Rianda, Cook

COUNCILMEMBERS ABSENT: None

Staff Present: Interim City Manager Lewcock, City Attorney Savaree, Interim Community Development Director Macris, Finance Director Fil, Public Works Director Curtis, Police Chief Goulart, Police Commander Mattei, Fire Chief Jewell, Parks and Recreation Director Mittelstadt, and City Clerk Kern.

### **SPECIAL ORDERS OF THE DAY/PRESENTATIONS**

#### **Mayor's Proclamation of Congratulations to the Belmont Little League Majors All Stars District 52.**

Mayor Cook and the City Council presented proclamations and Belmont City pins to Little League District 52 Champs and the coaches presented plaques to the players.

### **RECESS**

At this time, being 8:20 P.M. this Regular Meeting was recessed to conduct the Regular Redevelopment Agency Meeting at this time.

### **RECONVENED**

Meeting reconvened at 8:30 P.M.

### **PUBLIC/COUNCIL COMMENTS**

**Mrs. Blasco** 2711 Ponce, President of the Belmont Woman's Club, thanked City staff members for their help with the locating, restoration and placement of the Mission Bells along El Camino Real.

**Mr. Lawhern**, 408 Hiller Street, expressed concern about the lack of affordable housing in Belmont and requested that the Council consider having the three Low/Moderate Income lots developed as soon as possible.

Mayor Cook announced that the Library Task Force had decided on a March, 2001 election and this matter would come to Council in October to discuss funding options.

C. Wright reported that he and C. Warden had attended the groundbreaking at Notre Dame High school on Friday, September 8, 2000.

### **AGENDA AMENDMENTS**

Mayor Cook noted the following amendments: Consent Calendar Item 4-0 (RFP for San Juan) would be removed for separate consideration. Consent Calendar Item 4-M (Noise Ordinance) the word "shall" would be changed to "will" in Section (3) Exceptions, line3 on page 3.

C. Warden announced that he would abstain from the Warrants of September 1, 2000.

## **CONSENT CALENDAR**

**Approval of meeting minutes:** Special and Regular Meeting Minutes 8/22/00.

**Approval of Warrant List** Dated: August 18, 2000 in total amount of \$345,566.31, August 28, 2000 in total amount of \$67,706.82, September 1, 2000 in total amount of \$257,609.16.

**Motion** to approve Claims Management Report.

**Motion** to waive reading of Ordinances.

**Resolution No. 8830** approving the purchase of one sewer Rodder Truck from 3T Equipment Company for the Public Works Department for an amount not to exceed \$84,503.20.

**Resolution No. 8831** approving the purchase of one motorcycle from San Jose Harley-Davidson for the Police Department for an amount not to exceed \$16,336.82.

**Resolution No. 8832** approving an Agreement for Cost Sharing for Final Plans, Specifications and Engineering services for Direct Access Ralston/101 Improvements, City Contract Number 402

**Resolution No. 8833** approving Amendment No 2 to the Professional Services Agreement with Mark Thomas & Co., Inc. for Environmental Services, Plans, Specifications and Engineering Services for Direct Access Ralston/101 Improvements, City Contract Number 402 for a total contract amount not to exceed \$1,838,410.

**Resolution No. 8834** approving a professional services agreement with Wheeler Plumbing for Television Inspection and Location Services for an amount not to exceed \$200,000.

**Resolution No. 8835** approving contract change order No. 2 with McGuire and Hester for an amount not to exceed \$9,705.00 for extension of repaving to Notre Dame Avenue, North Road Reconstruction Project, CCN 408B.

**Resolution No. 8836** authorizing the Finance Director to secure earthquake coverage.

**Resolution No. 8837** approving a purchase order for printing of City Community Calendar with Hatcher Press (\$13,800).

**Introduction of Ordinance** amending Ordinance No. 938, Article VII, Chapter 15 of the Belmont City Code - Regulation of Hours of operation for construction activity and gasoline powered maintenance equipment. (1<sup>st</sup> reading).

**Motion** authorizing request for proposals, to update the Housing Element of the General Plan.

**Resolution No. 8838** approving a lease agreement for location of a Sprint Telecommunications Facility at City Hall.

**Resolution No. 8839** authorizing and directing the City Manager to enter into an agreement with Jerry Haag to provide contract planning services for the Belmont Community Development Department.

**Resolution No. 8840** authorizing and directing the City Manager to enter into an agreement with Tricia Schimpp to provide contract planning services for the Belmont Community Development Department.

**Resolution No. 8841** authorizing and directing the City Manager to enter into an agreement with Deborah Ungo-McCormick to provide contract planning services for the Belmont Community Development Department.

Consent Calendar approved as amended. Moved by C. Rianda, seconded by C. Warden, and approved unanimously, with C. Warden abstaining on the Warrants of September 1,2000.

**Consideration of Motion authorizing request for proposals, to prepare the San Juan Hills Lot Merger Study and Program.**

C. Rianda stated that she would like to recommend to the City Council that they ask City Attorney Savaree to prepare a search and a recommendation for a Land Use Attorney to facilitate the lot merger and future land decisions to be discussed over the next year.

City Attorney Savaree said it was an ever changing area of the law and she knew of a number of firms that specialize in land use and in some instances her office had called upon them for advice.

Interim City Manager Lewcock clarified that the staff would research some options and bring them back to Council for a decision.

C. Warden stated that he would like to direct staff to focus on the vacant lots in the San Juan Area in this RFP.

In response to C. Warden, Community Development Director Macris stated that the slope density calculations listed in this report would be used for lot calculation after the study.

**Action:** on motion by C. Rianda, seconded by C. Hahn, and approved unanimously, by show of hands to request City Attorney Savaree to begin a search for a Land Use Attorney.

**Action:** on motion by C. Warden, seconded by C. Cook, and approved unanimously, by show of hands, to approve the RFP for the San Juan Hills Lot Merger and to look specifically at the vacant lots in that area for the review.

**PUBLIC/HEARINGS**

**Public Hearing to consider introduction of Ordinance amending Chapter 5,of the Belmont City Code, Animals and Fowl. (1<sup>st</sup> reading).**

City Attorney Savaree reported that this amended Ordinance was in conformance with the County Animal ordinance. She noted there were a few additions in the fee structure .

Mayor Cook opened the public hearing.

On motion by C. Rianda, seconded by C. Hahn and approved unanimously, to close the public hearing.

**Action:** on motion by C. Rianda, seconded by C. Hahn and approved unanimously, by show of hands to introduce ordinance by title: Ordinance amending Chapter 5,of the Belmont City Code, Animals and Fowl, waive further reading, second reading and adoption on September 26<sup>th</sup>.

**MATTERS OF COUNCIL INTEREST/CLARIFICATION**

**Consideration of Resolution in support of Constitutional Initiatives to Reform State and Local Governance (adopted by the San Mateo County Board of Supervisors).(Cook)**

Mayor Cook explained that she had received correspondence from the Board of Supervisors requesting that the City join with them in writing to the Governor to request that he convene a Special Session of the Legislature to address and act upon the numerous state fiscal reform proposals that were important to local government.

Council concurred with this suggestion.

**Action:** on motion by C. Cook, seconded by C. Wright and approved unanimously, by show of hands to adopt:

**Resolution No. 8842** in support of constitutional initiatives to reform state and local governance.

**Discussion regarding Councilmembers meeting with potential planning applicants regarding projects outside the process. (Hahn).**

C.Hahn asked if there was interest in setting a policy or protocol regarding meeting with potential applicants regarding planning projects.

Council discussion ensued. They concurred they were not interested in formalizing this process. They agreed that they could individually let developers know if they were interested in meeting about projects or not.

**ADJOURNMENT** at this time, being 9:00 P.M. this meeting was adjourned.

Kathy Kern

Belmont City Clerk

Meeting tape recorded and televised

Tape No. 473